

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CRM-M -20865 of 2017 (O&M)

Date of decision: 07.09.2017

Kuldip Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. S.S. Taank, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab  
assisted by ASI Dilbag Singh.

\*\*\*\*

**Jitendra Chauhan, J. (Oral)**

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.0078 dated 19.04.2017, registered under Sections 363, 366-A, 380, 120-B of IPC and Section 5 of The Protection of Children from Sexual Offences (POCSO) Act, 2012, at Police Station Cantonment, Amritsar.

On 02.06.2017, this Court had passed the following order:-

*“Affidavit of Kuldip Singh dated 02.06.2017 filed in the Court is taken on record.*

*Counsel for the petitioner inter alia contends that the present FIR has been registered at the instance of mother of the alleged kidnapped girl. Harmandeep Kaur was born on 29.11.1997 duly recorded in her Aadhar Card and after attaining the age of majority she performed marriage with the petitioner. It is further submitted that Harmandeep Kaur and the petitioner are residing together as husband and wife*

*at village Chak Mukand, Post Office Khasa, Tehsil and District Amritsar. They filed a joint petition (CRM-M No.13612 of 2017) seeking protection to their life and liberty that came to be decided by this Court vide order dated 21.04.2017. It is further submitted that the petitioner is ready to join investigation and cooperate throughout when otherwise his custodial interrogation is not required. The petitioner is also ready to take along with him his wife for recording their statements by the Investigating Officer.*

*Notice of motion.*

*Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent.*

*Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day.*

*In the meantime, the petitioner along with his wife is directed to join investigation within a period of 10 days and he shall be released on interim bail subject to the following conditions:-*

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

*Adjourned to 28.08.2017.”*

It is contended that in pursuance of order dated 02.06.2017, the petitioner has joined the investigation. Otherwise also, the daughter of the complainant, namely Harmandeep Kaur is staying at her matrimonial home out of her own free Will.

The learned State counsel, on instructions submits that the

petitioner has joined the investigation and he is not required for custodial interrogation.

Keeping in view the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 02.06.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

07.09.2017

*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable:         | Yes | No |